



INTERIOR BOARD OF INDIAN APPEALS

Estate of Charles James Roane

16 IBIA 124 (05/11/1988)

Denying reconsideration of:
14 IBIA 265



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF CHARLES JAMES ROANE : Order Denying Reconsideration
:
: Docket No. IBIA 86-5
:
: May 11, 1988

On September 25, 1986, the Board of Indian Appeals (Board) issued a decision in the Estate of Charles James Roane, 14 IBIA 265 (1986). The decision affirmed an August 21, 1985 order issued by Administrative Law Judge William E. Hammett finding that Mae (Mamie) Alice Roane Cheepo was a daughter of decedent Charles James Roane.

On May 9, 1988, the Board received a letter from Elizabeth Ungehajer, an appellant in the original proceeding before the Board, disputing the Board's conclusion. Under the Board's regulations, this letter must be treated as a petition for reconsideration.

Reconsideration of Board decisions is governed by 43 CFR 4.315, which states in pertinent part:

(a) Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. Any party to the decision may petition for reconsideration. The petition must be filed with the Board within 30 days from receipt of the decision and shall contain a detailed statement of the reasons why reconsideration should be granted. [Emphasis added.]

The decision in this case was issued on September 25, 1986, and was immediately mailed by certified mail, return receipt requested, to the parties. The Board concludes that Elizabeth Ungehajer received notice of the Board's original decision in 1986. Accordingly, this petition for reconsideration was filed more than 30 days after her receipt of the decision.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, Elizabeth Ungehajer's petition for reconsideration in the above case is denied as untimely filed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge